

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TOMA DUSEVHIC,

NOT FOR PUBLICATION

Petitioner,

ORDER

-against-

03-CV-6423 (CBA)

WARDEN OF LACKAWANNA COUNTY
PRISON,

Respondent.

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AMON, United States District Judge:

In 2003, petitioner Toma Dusevhic filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In 2004, petitioner was deported to the Republic of Montenegro (formerly Yugoslavia) based on three prior criminal convictions not the subject of the habeas petition before the Court. By Memorandum and Order dated February 14, 2005, the Court denied the petition for a writ of habeas corpus as moot. Over five years later, petitioner now files the instant “Notice of Motion to Show Cause” dated April 21, 2010 from the Republic of Montenegro. Liberally construing this *pro se* submission, petitioner seeks to reopen the habeas petition that was closed in 2005. However, the Court finds that there is no basis to reopen this case. See Fed. R. Civ. P. 60(b).

Accordingly, petitioner’s motion is DENIED. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 10, 2010
Brooklyn, New York

/S/

Carol Bagley Amon 0 0
United States District Judge